

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)

UNITED STATES OF AMERICA, . Case No. 2:21-mj-00196-1
 .
Plaintiff, .
vs. . U.S. Courthouse
 . 601 Market Street
ZACHARY JORDAN ALAM, . Philadelphia, PA 19106
 .
Defendant. . Tuesday, February 2, 2021
 12:52 p.m.

**PARTIAL TRANSCRIPT OF BAIL, REMOVAL,
IDENTITY, DETENTION HEARING
HELD BEFORE THE HONORABLE RICHARD A. LLORET
UNITED STATES MAGISTRATE JUDGE VIA VIDEOCONFERENCE**

APPEARANCES:

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For the Defendant: Federal Community Defender Office
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1 (Proceedings commence at 12:52 p.m.)

2 THE COURT: All right. Do we have any more
3 Defendants located at the FDC?

4 THE COURT OFFICER: Your Honor, I got two still. I
5 got Mr. Alam coming up, and then I have Mr. -- I forget the
6 other guy's name, but I'll have him for you right after
7 Mr. Alam.

8 THE COURT: Okay. Let's take Mr. Alam now. Thank
9 you, Officer.

10 Mr. Alam?

11 THE DEFENDANT: Sir?

12 THE COURT: Is this Mr. Alam in front of me now?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. My name is Judge Lloret. The
15 first thing I want to take care of is we have to proceed
16 virtually by video instead of in person. Normally, we proceed
17 by in-person proceedings, but because of the COVID-19
18 situation, we are forced to do it this way. Do I have your
19 consent to proceed by video?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Very well.

22 Ms. Sykes, I understand we're here for initial
23 appearance and removal. Is that correct?

24 MS. SYKES: That is correct, Your Honor. And there
25 is no conflict with the Defender's Association, and I took the



1 liberty of providing Ms. Pedraza with the necessary documents
2 yesterday.

3 THE COURT: Very well.

4 Mr. Alam, you're charged with various charges in
5 connection with the break-in of the Capitol building on
6 January 6th. Do you want me to appoint you an attorney to
7 represent you on these federal charges?

8 THE DEFENDANT: As I understand -- actually, yes, I
9 do. Yes.

10 THE COURT: Yes? Okay. I have to ask you some
11 financial questions. Do you have an income? Do you have
12 employment or any type of income?

13 THE DEFENDANT: Yeah. I have --

14 THE COURT: How much do you make a month?

15 THE DEFENDANT: I make 15 an hour, so -- and I work
16 35 hours a week.

17 THE COURT: Okay. Do you have a -- do you own a
18 house?

19 THE DEFENDANT: No.

20 THE COURT: Do you own any cars?

21 THE DEFENDANT: Yes.

22 THE COURT: How many cars do you own?

23 THE DEFENDANT: One.

24 THE COURT: What's the value of the car,
25 approximately?



1 THE DEFENDANT: 7,000.

2 THE COURT: Do you owe money on the car?

3 THE DEFENDANT: No.

4 THE COURT: Okay. So you own it free and clear. Is
5 that right?

6 THE DEFENDANT: Right.

7 THE COURT: Okay. Do you have any cash on hand?

8 Obviously not with you right now, but do you have cash in your
9 possession at home?

10 THE DEFENDANT: I did have cash that was in my
11 property when I was arrested, and I don't know if I'm going to
12 get it back or not.

13 THE COURT: How much cash was it?

14 THE DEFENDANT: \$2,700.

15 THE COURT: All right. Do you have any bank
16 accounts?

17 THE DEFENDANT: I have one bank account.

18 THE COURT: How much money in the bank account?

19 THE DEFENDANT: Approximately \$5,000.

20 THE COURT: And do you have any other assets of any
21 kind?

22 THE DEFENDANT: That's pretty much it.

23 THE COURT: Okay. I find that the Defendant
24 qualifies. I'm going to appoint the defenders to represent
25 him.



1 Ms. Pedraza, thank you for taking the appointment.

2 MS. PEDRAZA: No problem, Your Honor.

3 THE COURT: Thank you.

4 THE COURT: Ms. Sykes, how does the Government wish
5 to proceed at this point with respect to the removal?

6 MS. SYKES: Your Honor, we would be requesting that
7 Defendant be detained pending removal.

8 THE COURT: Very well.

9 MS. SYKES: I'm prepared to argue, if you want me to
10 now.

11 THE COURT: Why don't we hold on for a second. Let
12 me ask Ms. Pedraza.

13 Ms. Pedraza, have you had a chance to discuss the
14 removal matter with the client at all?

15 MS. PEDRAZA: Yes, Your Honor, I was able to speak
16 with him this morning. There would not be a stipulation to
17 removal, nor identity, nor probable cause.

18 (Portion from 12:26 p.m. to 1:03 p.m. previously
19 transcribed)

20 THE COURT: Very well. I'm satisfied that the
21 Government has correctly identified the individual who's before
22 me, Mr. Alam, as the individual who's charged in the
23 indictment -- charged in the charging instrument of the Capitol
24 incidents of January 6th.

25 Ms. Sykes, how does the Government wish to proceed



1 with respect to the detention of Mr. --

2 MS. SYKES: Your Honor, with respect to detention, we
3 ask that the Defendant be detained pending transportation
4 (indiscernible) to the District of Columbia by the marshal
5 service. At the time that -- well, I'll back up. After the --
6 after this offense occurred, on January 12th, the FBI put out a
7 be on the lookout or a BOLO alert for the Defendant.

8 On the 14th, they were advised by a witness who was
9 related to Mr. Alam that that was, in fact, a picture of
10 Mr. Alam breaching the Capitol. The FBI then spoke with that
11 witness, and that witness informed the FBI that Mr. Alam had
12 contacted that witness from a different telephone number than
13 that witness had previously known Mr. Alam to use. In fact,
14 that individual has routine contact with Mr. Alam, and this is
15 the first time that Mr. Alam had used this different telephone
16 number to contact the witness.

17 Mr. Alam had been asking other family members if he
18 could stay with them. Mr. Alam admitted to the witness that he
19 was sorry for the offenses that he had committed, but that he
20 was on the run because he was not going to go to jail.

21 He was -- despite the fact that he lives in the D.C.
22 area, he was found at -- living in a hotel, the Penn Amish
23 Motel in, like I said, Lancaster County, Denver, Pennsylvania.
24 At the time that agents executed a search warrant, they found
25 Mr. Alam in that motel room. He was hiding behind the door.



1 At the time that they knocked and announced, he failed to open
2 the door and the agents were able to gain entry using a key
3 provided to them.

4 At that time, they found more than one cell phone on
5 him. One appeared to be a flip phone that he may have been
6 using as an alternative means of communication. At that time,
7 he was -- he -- the agents found unique clothing in -- within
8 his possession that matched the clothing in the screenshots
9 that were pulled from social media on the day of the Capitol
10 incident. And they found a number of periodicals and documents
11 related to (indiscernible) and materials about living off the
12 grid -- in other words, living away from organized society.
13 And he also was driving a truck that had plates on it that came
14 back to an individual other than him.

15 And for all those reasons, we believe that he is a
16 risk of flight and needs to be detained pending his appearance
17 in the District of Columbia.

18 THE COURT: Very well.

19 Ms. Pedraza?

20 MS. PEDRAZA: Thank you, Your Honor. As the
21 Government mentioned, Mr. Alam is a resident of the D.C. area.
22 He -- there would be no more proximate area that he could be
23 than if the Court would release him to reside with his mother
24 at an address that I could provide the Court should Your Honor
25 consider release.



1 He -- as he explained to you earlier in the hearing,
2 he's employed, gainfully employed at that, and he would be able
3 to return to his employment should Your Honor release him. He
4 was compliant, from what I understand, with the agents, and he
5 is looking forward to consulting with an attorney once he's
6 appointed one in the D.C. area to review this matter and move
7 forward accordingly.

8 But given the fact that he does have a place to
9 reside and a job, a verifiable job that he can return to, we
10 would ask that the Court consider releasing him on conditions
11 of release.

12 THE COURT: Very well. Well, first let me make a
13 finding. I don't know that I explicitly said, but I do find
14 that there's probable cause to believe that the Defendant
15 committed the crimes that are alleged in the affidavit. The
16 affidavit is quite telling in terms of establishing probable
17 cause that it was the Defendant that's pictured in various
18 screen grabs and was participating in the rioting or the
19 break-in on January 6th at the Capitol.

20 With respect to risk of flight and danger to the
21 community, I find that the Defendant is both. He is employed.
22 However, he's basically been on the run, trying to avoid
23 apprehension by the FBI, found in Lancaster, Pennsylvania,
24 which is apparently not his home, in a hotel. Didn't comply
25 when the police arrived and the FBI arrived, so he's a



1 danger -- he's a risk of flight.

2 He's also a danger to the community. The offenses
3 that the Defendant committed are certainly dangerous to the
4 (audio interference). In any way, shape or form, to break into
5 the nation's capitol and to try and interrupt the proceedings
6 of Congress, the election of the President, is a danger to the
7 community. I don't think I'm going to get too much argument
8 about the idea that those crimes do constitute a danger to the
9 (audio interference).

10 And so for all these reasons, I'm going to detain the
11 Defendant pending his removal to the District of Columbia,
12 where he can face charges. Obviously, he can renew any
13 application he may have before that court for bail or for a
14 different disposition, but as of this time, he's detained
15 (indiscernible).

16 Is there anything further we need to take care of?

17 MS. PEDRAZA: No, Your Honor.

18 MS. SYKES: Not (indiscernible) --

19 THE DEFENDANT: If I could ask what my charges are?
20 I would really appreciate knowing that.

21 THE COURT: Certainly.

22 Ms. Sykes, could you recite the charges?

23 MS. SYKES: Yes, Your Honor. It is my understanding,
24 may be wrong, is that the Defendant had been provided with a
25 copy of the criminal complaint.



1 THE DEFENDANT: No. Absolutely not. I have --
2 nobody's told me anything about what I've been charged with
3 this whole time. I've been here for three days (indiscernible)
4 any word about it. I've been asking everybody. I've been
5 asking police officers. They've been telling me different
6 things than my attorney's been telling me, than anybody's been
7 telling me. Everybody has a difference answer. I don't know
8 what I'm -- I have no idea what I'm charged with.

9 THE COURT: Well, Mr. Alam, why don't you listen up
10 right now. We'll read the charges to you, okay, in the
11 criminal complaint.

12 Ms. Sykes, go ahead.

13 MS. SYKES: Yes, Your Honor. The Defendant is
14 charged with one count of violation of Title 18 U.S.C.
15 Section 111(a) and (b), which is assault on a federal officer
16 with a dangerous or deadly weapon; one count of 18 U.S.C.
17 Section 1361, which is destruction of government property in
18 excess of \$1,000; one count of 18 U.S.C. Section 1512(c)(2),
19 which is obstruction of an official proceeding; 18 U.S.C.
20 Section 1752(a) and (b), which is unlawful entry on restricted
21 buildings or grounds; and Title 40 U.S.C. Section
22 5104(e)(2)(d), (f), and (g), which is violent entry and
23 disorderly conduct.

24 Your Honor, we can arrange through the counsel --
25 for -- through counsel for the (indiscernible) to make sure



1 that Mr. Alam receives a paper copy of his criminal complaint
2 (indiscernible) --

3 THE COURT: Good. And I'll direct that that happen.
4 Thank you (audio interference).

5 All right. Mr. Alam, you've been apprised of your
6 charges against you. You'll be receiving a paper copy. You'll
7 also be --

8 THE DEFENDANT: Can I just ask which --

9 THE COURT: -- transferred by the U.S. --

10 THE DEFENDANT: Which officer am I being accused of
11 assaulting? Which officer -- what's his name?

12 THE COURT: No. You won't be given that answer at
13 this time, but you are certainly going to be able to review
14 your charges, review the affidavit at length. And you can find
15 out that information as part of the ordinary discovery that's
16 provided in the case, but today's hearing is not the place for
17 that. And with that, you will be transported by the marshal to
18 D.C. to face charges there.

19 If there's nothing further, then I'm going to dismiss
20 the Defendant at this time. I see there's nothing further.

21 Mr. Alam, you're dismissed.

22 (Proceedings concluded at 1:13 p.m.)

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C E R T I F I C A T I O N

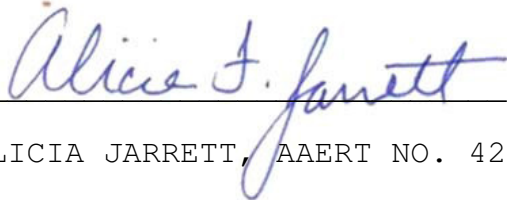
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